# City of San Antonio

## Agenda Memorandum

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**Agenda Date:** April 7, 2025

**In Control:** Board of Adjustment Meeting

**DEPARTMENT:** Development Services Department

**DEPARTMENT HEAD:** Michael Shannon, Director

**CASE NUMBER:** BOA-25-10300020

**APPLICANT:** Our Casas Resident Council, INC.

**OWNER:** Our Casas Resident Council, INC.

**COUNCIL DISTRICT IMPACTED:** District 5

**LOCATION:** 2222 Chihuahua Street; 2226 Chihuahua Street; 2230 Chihuahua Street

**LEGAL DESCRIPTION:** Lot 25, Lot 26, and Lot 27, NCB 6466

**ZONING:** "R-4 MLOD-2 MLR-2 AHOD" Residential Single-Family Lackland Military Lighting Overlay Military Lighting Region 2 Airport Hazard Overlay District

**CASE MANAGER:** Vincent Trevino, Senior Planner

**A request for**

1) A 4' variance from the minimum 5' side setback to allow a 1' side setback on the western property lines for 2 residential structures
Section 35-310.01

2) A 2' variance from the minimum 5' side setback to allow a 3' side setback on the eastern property lines for 3 residential structures
Section 35-310.01

2) A 10' variance from the minimum 15' clear vision to allow a 5' driveway clear vision.
Section 35-514 (a)(2)(b)

**Executive Summary**

The subject property is located along Chihuahua Street, west of South Zarzamora Street, located within the notification boundaries of Historic Westside Residents Neighborhood Association and the El Charro Neighborhood Association. The lots are currently vacant. The applicant is seeking to construct 3 single-family homes on 3 separate lots and due to the lot size are requesting relief from the Board of Adjustment on side setbacks and driveway clear vision. The structure will be 3' from the side setbacks with a 16" overhang, which will make the overall side setback 1'-8". The 3 lots have a Certificate of Determination (COD) and as such do not require a minimum lot size variance.

**Code Enforcement History**
No relevant code enforcement history.

**Permit History**
The applicant has not yet applied for the building permit.

**Zoning History**
The subject property was a part of the original 36 square miles of the City of San Antonio and was originally zoned "B" Residence District. The property was rezoned by Ordinance 75720, dated May 7, 1992, to "R-7" Small Lot Home District. Upon adoption of the 2001 Unified Development Code, the zoning converted from "R-7" Small Lot Home District to the current "R-4" Residential Single-Family District, established by Ordinance 93881, dated May 3, 2001.

**Subject Property Zoning/Land Use**
**Existing Zoning**
"R-4 MLOD-2 MLR-2 AHOD" Residential Single-Family Lackland Military Lighting Overlay Military Lighting Region 2 Airport Hazard Overlay District
**Existing Use**
Vacant Lot

**Surrounding Property Zoning/ Land Use**
**North**
**Existing Zoning**
"R-4 MLOD-2 MLR-2 AHOD" Residential Single-Family Lackland Military Lighting Overlay Military Lighting Region 2 Airport Hazard Overlay District
**Existing Use**
Vacant Lot

**South**
**Existing Zoning**
"R-4 MLOD-2 MLR-2 AHOD" Residential Single-Family Lackland Military Lighting Overlay Military Lighting Region 2 Airport Hazard Overlay District
**Existing Use**
Single-Family Dwelling

**East**
**Existing Zoning**

"R-4 MLOD-2 MLR-2 AHOD" Residential Single-Family Lackland Military Lighting Overlay Military Lighting Region 2 Airport Hazard Overlay District
**Existing Use**
Single-Family Dwelling

**West**
**Existing Zoning**
UZROW
**Existing Use**
Apache Creek Park

**Comprehensive Plan Consistency/Neighborhood Association**
The subject property is in the Guadalupe/Westside Community Plan and is designated "Low Density Residential" in the future land use component of the plan. The subject property is located within the Historic Westside Residents Association as well as the notification boundaries of the El Charro Neighborhood Association, and they were notified of the case.

**Street Classification**
Chihuahua Street is classified as a Local Road.

**Criteria for Review – Side Setback and Driveway Clear Vision Variances**
According to Section 35-482(e) of the UDC, in order for a variance to be granted, the applicant must demonstrate all of the following:

*1. The variance is not contrary to the public interest.*

The side setback variance is contrary to the public interest as inadequate space will be left between structures creating potential fire safety and water runoff issues. Insufficient distance can facilitate the rapid spread of fire from one building to another.

The driveway clear vision variance is not contrary to the public interest as sufficient space will remain to safely back from and on to the local road.

*2. Due to special conditions, a literal enforcement of the ordinance would result in unnecessary hardship.*

A literal enforcement of the side setback ordinances would not result in unnecessary hardship as the applicant can modify their plans to abide by setback rules.

A literal enforcement of the driveway clear vision ordinances would result in unnecessary hardship as the fence and gate line is at an established line in the neighborhood.

*3. By granting the variance, the spirit of the ordinance will be observed, and substantial justice will be done.*

The requested side setback variance does not appear to be in the spirit of the ordinance as inadequate space between structures will create fire safety and water runoff issues, leading to potential flooding or erosion problems.

The requested driveway clear vision variance appears to be in the spirit of the ordinance as the fence and gate is located on an established line in the neighborhood.

*4. The variance will not authorize the operation of a use other than those uses specifically authorized in the zoning district in which the variance is located.*

No uses other than those allowed within the district will be allowed with this variance.

*5. Such variance will not substantially injure the appropriate use of adjacent conforming property or alter the essential character of the district in which the property is located.*

Staff finds that the side setback variance would substantially injure the appropriate use of adjacent properties as the water runoff from buildings would be diverted into nearby lots and the risk of fire spread would be increased.

Staff finds that the driveway clear vision variance would not substantially injure the appropriate use of adjacent properties as the fence and gate location is consistent in the neighborhood in which relief is sought.

*6. The plight of the owner of the property for which the variance is sought is due to unique circumstances existing on the property, and the unique circumstances were not created by the owner of the property and are not merely financial and are not due to or the result of general conditions in the district in which the property is located.*

Staff does not find any unique circumstances existing on the property for the side setback variance as the applicant can modify plans to be in compliance with side setback rules.

Staff finds the unique circumstances existing on the property for the driveway clear vision is the established fence and gate line in the neighborhood.

**Alternative to Applicant's Request**
The alternative to the applicant's request is to conform to the side setback and driveway clear vision requirements of the UDC Sections 35-310.01 and 35-514(a)(2)(b).

**Staff Recommendation – Side Setback Variance**
Staff recommends Denial in BOA-25-10300020 based on the following findings of fact:

1. Inadequate space between structures will aggravate water runoff issues, leading to potential flooding or erosion problems.
2. Insufficient distance can facilitate the rapid spread of fire from one building to another.

**Staff Recommendation – Driveway Clear Vision Variance**
Staff recommends Approval in BOA-25-10300020 based on the following findings of fact:

1. Sufficient space will remain to safely back from and on to the local road and is located at the end of a road
2. The requested variance will not alter the essential characteristics of the district in which it is located.